

No. 11(112)-3Lab-79/8530.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s (i) Managing Director, Haryana, State Co-op. Land Development Bank Ltd., Chandigarh. (ii) The Manager, Panipat Co-op. Land Development Bank, Panipat.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 107 of 1978

between

SHRI JASWANT SINGH, WORKMAN AND THE MANAGEMENT OF (i) MANAGING
DIRECTOR, HARYANA STATE CO-OP. LAND DEVELOPMENT BANK LTD.,
CHANDIGARH, (ii) THE MANAGER, PANIPAT CO-OP. LAND DEVELOP-
MENT BANK, PANIPAT

Present:—

Shri Madhu Sudan, for the workman.

Shri Manphool Singh, for the management.

AWARD

By order No. ID/KNL/53-77/26103, dated 16th June, 1978, the Governor of Haryana referred the following dispute between the management of Managing Director, Haryana State Co-op. Land Development Bank Ltd., Chandigarh (ii) The Manager, Panipat Co-op. Land Development Bank, Panipat and its workman Shri Jaswant Singh to this Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Dharmbir Singh was justified and in order ?
If not to what relief is he entitled ?

On receipt of order of reference, notice were issued to the parties. The parties appeared and filed their pleadings. On 20th December, 1978 the case was consolidated with the reference No. 98 of 1978 and following issue was framed in that case :—

“Whether the workman was not appointed by the competent authority ? If so, to what effect ?”

And fixed the case for evidence of the management. The management settled the case with the workman and produced letter, dated 19th February, 1979. with drawing the reference as the workman has been re-instated by the management with effect from 19th February, 1979. Shri Madhu Sudan appeared before me on 25th May, 1979 and confirmed the reinstatement of the workman and withdrew the reference. I, therefore, return this reference without giving my award as the workman has been reinstated by the management and he does not want any further relief.

Dated 16th July, 1979.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 1776, dated 30th July, 1979.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 11(112)-3Lab-79/8634.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Bata India Ltd., NIT, Faridabad.

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER,

INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 161 of 1977
between

SHRI GAJ RAJ SINGH, WORKMAN
AND THE MANAGEMENT OF M/S.
BATA INDIA LTD., NIT, FARIDABAD.

Present :—

Shri M. S. S. Cowshish, for the
workman.

Shri C. M. Lal, for the management.

AWARD

By order No. ID/FD/81-F/44026, dated 4th October, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Bata India Ltd., NIT, Faridabad, and its workman Shri Gaj Raj Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Gaj Raj Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 2nd June, 1978 :—

- (1) Whether the workman was a casual workman ? If so, to what effect ?
- (2) Whether the Haryana Government previously rejected the reference ? If so, to what effect ?
- (3) Whether the dispute is affected by the order of the Labour Court, dated 30th January, 1978 ? If so, what way and to which extent ?
- (4) If issues Nos. 1 to 3 are not proved by the management, whether the termination of the services of the workman was justified and in order ? If not, to what relief is he entitled ?
- (5) Whether the Works Committee considered the grievance of the workman ? If so, what are its findings and what are its effects of the findings on this reference ?

And the case was fixed for the evidence of the management. Thereafter the representative for the management applied for amendment of issues number 1 and 2. After hearing the parties, these

issues were amended on 13th July, 1978 as follows :—

- (1) Whether the workman was a permanent workman ? If not, to what effect ?
- (2) Whether the previous rejection by the Government for the reference hits the present reference ?

On the request of the representative for the management, issue No. 3 was also recast as follows on the same day, i.e., 13th July, 1978 :—

- (3) Whether the workman is estopped from claiming the permanent status of employment ?

Going through the pleadings of the parties, issue No. 6 was also framed on the same day, i.e., 13th July, 1978, as follows :—

- (6) Whether the plea of the workman regarding his status as a permanent employee is barred by the rule of res-judicata ?

The representative for the management prayed that issue number 2, 3 and 6 may be tried as preliminary, as there was a judgement of the Labour Court, Haryana, on these issues directly in favour of the management and if these issues are decided in favour of the management, the management shall not be burdened unnecessarily by adducing evidence on other issues. I, therefore, tried issue number 2, 3 and 6 as preliminary. The representative for the management stated that they shall not adduce any evidence on these issues except by filing of documents which they have done. Their sole reliance is on a judgement of the Labour Court, Haryana, which they shall like to exhibit. The management examined their Incharge Personnel, Shri K. B. Sakhuja, as MW-1 who proved documents, Exhibit M-1 to Exhibit M-8. Exhibit M-8 is the certified copy of a judgement of the Labour Court, Haryana. Then the case was fixed for the evidence of the workman. Then the case was adjourned three-four times for one or the other reasons. Lastly, the representative for the workman stated that he also did not like to adduce evidence on these

issues. Then arguments. head.

I have gone through the documents, Exhibit M-1 to M-8. I have given due consideration to the arguments of both the parties. I now give my findings issuewise.

ISSUE No. 3:

In its judgement, the Labour Court, Haryana has held that the workman was never employed as a permanent workman and, therefore, dismissed the application of the workman under section 33C(2) of the Industrial Disputes Act. The Labour Court has given this finding on merits after consideration of evidence and arguments. The judgement of the Labour Court, Haryana, is a detailed one based on reasons and evidence. The judgement is in 10 pages which is Exhibit M-8. There is a very elaborate discussion of evidence on issue number 1 by the Labour Court, Haryana. I, therefore, decide issue number 3 in favour of the management and hold that the workman is now estopped from claiming the permanent status of employment. ISSUE No. 6:

The above-said judgement of the Labour Court, Haryana, clearly operates as resjudicata against the workman. The Labour Court, Haryana, has decided on merits after giving all opportunities to the parties to adduce their evidence and to address the arguments and after consideration of the evidence and the arguments of the parties. The judgement of the Labour Court, Haryana, is a complete judgement in all respects and all the ingredients of the principles of resjudicata apply by its judgement. I, therefore, decide issue number 6 also in favour of the management.

No. 11(112)-3Lab-79/864. -In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in the dispute between the workman and management of M/s Deepak Tools (P) Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 223 of 1976

between

SHRI RAMESH KUMAR WORKMAN AND THE MANAGEMENT OF M/S DEEPAK TOOLS (P) LTD., FARIDABAD

Present.—

Shri R. L. Sharma, for the workman.

None for the management.

ISSUE No. 2:

There are various rulings of the Punjab and Haryana High Court holding that previous rejection by the Government for referring the dispute does not hit the subsequent reference. I, therefore, decide issue number 2 against the management.

As a result of my findings on these preliminary issues, I need not try other issues, as Shri Gaj Raj Singh did not fall within the definition of a workman as defined in the Industrial Disputes Act. He was not a permanent workman, as decided by the above-said judgement of the Labour Court, Haryana. The reference is, therefore, bad in respect of termination of his services. I quash the reference. Shri Gaj Raj Singh is not entitled to seek any relief under the Industrial Disputes Act, as he has not been held a workman by the Labour Court, Haryana, in its above-said judgement. This is my award.

Dated the 24th July, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 715. dated 3rd August, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

AWARD

By order No. ID/ED/1073-ID-76/39745, dated 20th October, 1976, the Governor of Haryana referred the following dispute between the management of M/s. Deepak Tools (P) Ltd., Faridabad and its workman Shri Ramesh Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ramesh Kumar, was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 4th May, 1977 :—

1. Whether the workman raised the demand with the management properly?
2. Whether the conciliation proceedings did not take place in this matter? If so, to what effect?

And the case was fixed for the evidence of the workman. The workman obtained seven adjournments and on 27th March, 1978 the representative for the workman examined himself and produced Ex. W-1 the demand notice and closed his case on issue No. 1. Then the case was fixed for the evidence of the management. The management was not served for five times. Lastly the management was served hence *ex parte* proceedings were ordered against the management at 2.15 p. m. after calling the case thrice when the management had not appeared. The case was fixed for *ex parte* evidence of the workman. The management thereafter made an application to set aside *ex parte* proceedings against them which were set aside subject to payment of costs Rs. 40/ only which has been paid. The management then obtained an adjournment which was granted to them subject to payment of cost Rs. 50/ only and the case was fixed for 3rd July, 1979 for the evidence of the management, on which the management again defaulted in appearance and did not appear. Again the management was proceeded *ex parte* and the case was fixed for *ex parte* evidence of the workman. The workman examined himself as his own witness and stated that his services were terminated without any cause or justification and was employed since the termination of the workman and give my award that the termination of services of the workman was neither justified nor in order. He is entitled to reinstatement with continuity of service and full back wages.

NATHU RAM SHARMA,

Dated 28th July, 1979.

Presiding Officer,
Industrial Tribunal, Haryana
Faridabad.

No. 728, dated 3rd August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Implementation Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/8649.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Wegu Sondhi Private Ltd., Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL HARYANA FARIDABAD

Reference No. 68 and 71 of 1979

Between

S/SHRI RAM SEVAK AND LEKH RAJ, WORKMEN AND THE MANAGEMENT
OF M/S WEGU SONDHI PRIVATE LTD., MATHURA ROAD,
FARIDABAD

Present.—

Shri P. K. De, for the workman.

Shri S. L. Gupta, for the management

AWARD

By order No. 8426, dated 26th February, 1979 and 8420, dated 26th February, 1979, the Governor of Haryana referred the following dispute between the management of M/s Wagu Sondhi Private Ltd., Muthura Road, Faridabad and its workman S./Shri Ram Sewak and Lekh Raj to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of S/Shri Ram Sewak and Lakh Raj was justified and in order, If not, to what relief are they entitled ?

On receipt of the order of references, notices were issued to the parties. The parties appeared but the dispute was settled. The workman have received all their dues in full and final settlement of their claims and dispute. The workman Shri Lekh Raj received a sum of Rs 1,260/- and the workman Shri Ram Sewak received a sum of Rs 2500/- only,—*vide* receipts duly executed by them. Photostat copies of the receipts and other writings of the workmen have been placed on the file by the representative for the management. The representative for the workmen admitted that the workmen have gone away after settling their dispute. In these circumstances, I give my award that the termination of services of the workmen concerned S./Shri Ram Sewak and Lekh Raj were justified and in order. They are not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Dated the 28th July, 1979.

Endorsement No. 739, dated 3rd August, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

H. L. GUGNANI, Secy

LABOUR AND EMPLOYMENT DEPARTMENTS

The 21st August, 1979

No. 12(226)-78-6-Lab.—The Governor of Haryana is pleased to dissolve the District Committee on Employment, Ambala constituted,—*vide* Notification No. 12(226)-78-6Lab, dated 29th November, 1978, with immediate effect.

No. 12(392)-78-6-Lab.—The Governor of Haryana is pleased to dissolve the District Committee on Employment, Jind, constituted,—*vide* notification No. 12 (392)-78-6 Lab, dated 30th January, 1979, with immediate effect.

H. L. GUGNANI, Secy

IRRIGATION DEPARTMENT

The 23rd August, 1979

No. 21/11/79-PWII (4).—In exercise of the powers conferred by section 4 of the Haryana Canal and Drainage Act, 1974 (Act No. 29 of 1974) and all other powers enabling him in this behalf, the Governor of Haryana hereby notifies for general information that the water was released in the Canal system of J. L. N. Lift Irrigation Scheme including its distributaries and Miners (Non-perennial) with effect from 30th June, 1977 (Kharif) for public purposes.

H. V. GOSWAMI,

Commr. and Secy.